

By: Carona

S.B. No. 259

A BILL TO BE ENTITLED

AN ACT

relating to telecommunications services and markets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 52.007, Utilities Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) The commission may not require a nondominant carrier to obtain advance approval for a filing with the commission or a posting on the nondominant carrier's Internet website that adds, modifies, withdraws, or grandfathers a retail service or the service's rates, terms, or conditions.

(d-2) In this subsection, "deregulated company" and "transitioning company" have the meanings assigned by Section 65.002. The commission may not require a deregulated company or transitioning company to obtain advance approval for a filing with the commission or a posting on the company's Internet website that adds, modifies, withdraws, or grandfathers:

(1) a nonbasic retail service or the service's rates, terms, or conditions; or

(2) a basic network service for a market that has been deregulated or the service's rates, terms, or conditions.

SECTION 2. Section 52.154, Utilities Code, is amended to read as follows:

Sec. 52.154. COMMISSION MAY NOT OVERBURDEN. The commission may not, by a rule or regulatory practice adopted under this

chapter, impose on a telecommunications utility a greater regulatory burden than is imposed on a holder of a certificate of convenience and necessity serving the same area or a deregulated company, as defined by Section 65.002, that holds a certificate of operating authority serving the same area.

SECTION 3. Subchapter A, Chapter 55, Utilities Code, is amended by adding Section 55.018 to read as follows:

Sec. 55.018. APPLICABILITY TO ELECTING OR TRANSITIONING COMPANY. Sections 55.001, 55.002, 55.003, and 55.004 do not apply to nonbasic services offered by an electing company, as defined by Section 58.002, or by a transitioning company, as defined by Section 65.002.

SECTION 4. Section 65.101, Utilities Code, is amended by adding Subsection (c) to read as follows:

(c) A deregulated company that holds a certificate of operating authority is a nondominant carrier.

SECTION 5. Section 65.102, Utilities Code, is amended to read as follows:

Sec. 65.102. REQUIREMENTS. (a) A deregulated company that holds a certificate of operating authority issued under this subchapter[+]

~~[(1) is a nondominant carrier governed in the same manner as a holder of a certificate of operating authority issued under Chapter 54,~~

~~[(2)]~~ is not required to:

(1) ~~[(A)]~~ fulfill the obligations of a provider of last resort;

1 (2) ~~[(B)]~~ comply with retail quality of service
2 standards or reporting requirements;

3 (3) ~~[(C)]~~ file an earnings report with the commission
4 unless the company is receiving support from the Texas High Cost
5 Universal Service Plan; or

6 (4) ~~[(D)]~~ comply with a pricing requirement other than
7 a requirement prescribed by this subchapter ~~[, and~~

8 ~~[(3) is subject to the following provisions in the~~
9 ~~same manner as an incumbent local exchange company that is not~~
10 ~~deregulated.~~

11 ~~[(A) Sections 54.156, 54.158, and 54.159,~~

12 ~~[(B) Section 55.012, and~~

13 ~~[(C) Chapter 60].~~

14 (b) Notwithstanding any other provision of this title, the
15 commission has only the authority provided by this section over a
16 deregulated company that holds a certificate of operating authority
17 issued under this subchapter. The commission may enforce:

18 (1) this subchapter using the remedies provided by
19 Subchapter B, Chapter 15;

20 (2) Section 52.007;

21 (3) Sections 54.105, 54.156, 54.158, 54.159, 54.255,
22 54.256, 54.257, 54.259, 54.260, and 54.261;

23 (4) Sections 55.015, 55.123, 55.133, and 55.136;

24 (5) Chapter 56, except Subchapters F and G;

25 (6) Chapter 60, except Sections 60.001 and 60.101;

26 (7) Chapter 62;

27 (8) Subchapter E, Chapter 64;

1 (9) Subchapter E, Chapter 65; and

2 (10) Chapter 66.

3 (c) The commission's authority in this subchapter is
4 subject to:

5 (1) Sections 51.003 and 51.010(c);

6 (2) Section 52.002(d);

7 (3) Sections 54.003, 54.204, 54.205, and 54.206; and

8 (4) Section 65.051. [Except as provided by Subsection
9 (c), in each deregulated market, a deregulated company shall make
10 available to all residential customers uniformly throughout that
11 market the same price, terms, and conditions for all basic and
12 non-basic services, consistent with any pricing flexibility
13 available to such company.

14 ~~[(c) A deregulated company may offer to an individual~~
15 ~~residential customer a promotional offer that is not available~~
16 ~~uniformly throughout the market if the company makes the offer~~
17 ~~through a medium other than direct mail or mass electronic media and~~
18 ~~the offer is intended to retain or obtain a customer.]~~

19 SECTION 6. Section 65.154(a), Utilities Code, is amended to
20 read as follows:

21 (a) A transitioning company is not required to comply with
22 the following requirements prescribed by this title on submission
23 of a written notice to the commission:

24 (1) a direct or indirect requirement to price a
25 ~~[residential]~~ service at, above, or according to the long-run
26 incremental cost of the service or to otherwise use long-run
27 incremental cost in establishing prices for ~~[residential]~~

1 services; or

2 (2) a requirement to file with the commission a
3 long-run incremental cost study for residential or business
4 services.

5 SECTION 7. Section 65.155, Utilities Code, is amended to
6 read as follows:

7 Sec. 65.155. COMPLAINT BY AFFECTED PERSON. ~~[(a)]~~ An
8 affected person may file a complaint at the commission challenging
9 whether a transitioning company is complying with Section
10 65.154(b).

11 ~~[(b) Notwithstanding Section 65.154(a)(2), the commission~~
12 ~~may require a transitioning company to submit a long-run~~
13 ~~incremental cost study for a business service that is the subject of~~
14 ~~a complaint submitted under Subsection (a).]~~

15 SECTION 8. The following provisions of the Utilities Code
16 are repealed:

17 (1) Section 55.012; and

18 (2) Sections 65.153(c) and (c-1).

19 SECTION 9. This Act takes effect September 1, 2013.